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10/662,812	09/16/2003	Yang-lim Choi	1293.1916	1080

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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER
DOAN, TRANG T

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>23 April 2010</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-3,5-12,44 and 45</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-3,5-12,44 and 45</u> is/are rejected.

7)☒ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>16 September 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☒ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
           application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/22/10</u>

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This action is in response to the amendment filed on 08/10/2009.

2.   Claims 4 and 13-43 have been canceled.

3.   Claims 1 and 44-45 has been amended.

4.   Claims 1-3, 5-12 and 44-45 are pending for consideration.

Response to Arguments

5.   Applicant did not file a terminal disclaimer with respect to the rejection under
obviousness-type double patenting mailed on 12/24/2009. Therefore, the rejection
under obviousness-type double patenting has been maintained.

6.   Applicant's arguments regarding the rejection under U.S.C. 35 101 have been
withdrawn in view of amendment filed on 04/23/2010.

7.   Applicant's arguments regarding the rejection under U.S.C. 35 112, second
paragraph, are not persuasive. Therefore, the rejection under U.S.C. 35 112, second
paragraph, has been maintained.

8.   Applicant's arguments with respect to claims 1-3, 5-12 and 44-45 have been
considered but are moot in view of the new ground(s) of rejection.

Information Disclosure Statement

9.   The information disclosure statement (IDS) submitted on 2/22/10 is being
considered by the examiner.

Double Patenting

10.   The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees.   A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims are 1-3, 5-12 and 44-45 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 3-29 of copending Application No. 11/980642. Although the conflicting claims are not identical, they are not patentably distinct from each other because the copending application renders the instant application's claims obvious as it discloses partitioning metadata based upon a predetermined semantic unit, selecting a predetermined metadata fragment data, generating meta-related information and transmitting a container including the selected metadata fragment, metadata-related information with a header including a metadata information indicating a data format type

of the selected metadata fragment data as is claimed in the instant application (see

Claim Comparison Table below).

This is a <u>provisional</u> obviousness-type double patenting rejection because the

conflicting claims have not in fact been patented.

Instant Application 10/662812	Copending Application 11/980642
Claim1: A method of managing metadata in a metadata transmission server, comprising: generating a plurality of metadata fragment data by **partitioning metadata to be transmitted based upon a predetermined semantic unit**; selecting a **predetermined metadata fragment data** from among the plurality of metadata fragment data; **generating, Using a processor, metadata-related information** using the selected metadata fragment data; and **transmitting a container including the selected metadata fragment data and the metadata-related information with a header including data format information indicating a data format type of the selected metadata fragment data.**	Claim 17: A metadata transmission server managing metadata security of a multimedia system, comprising: a programmed computer processor controlling the server according to a process of: generating, using a processor, a plurality of metadata fragment data by **partitioning metadata to be transmitted based upon a predetermined semantic unit**, selecting a **predetermined metadata fragment data** from among the plurality of metadata fragment data, **generating metadata-related information** using the selected metadata fragment data, and **transmitting a container including the selected metadata fragment data and the metadata-related information with a header including data format information indicating a data format type of the selected metadata fragment data.**

Claim Rejections - 35 USC § 112

11.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12.   Claims 1 and 44-45 rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

13.   Regarding claims 1 and 44-45, the limitation "the metadata digest information

with a header including data format information" is not clear to the Examiner. According

to the Applicant's specification, a metadata container comprises a header not the

metadata digest information comprises a header (see paragraph 0019: a metadata

container comprises a header, a fragment data section (i.e., metadata fragment data

section), and metadata authentication information). Appropriate correction is required.

Claim Rejections - 35 USC § 103

14.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

15.   Claims 1-2, 5, 11 and 44-45 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Fawcett (US 5768526) (hereinafter Fawcett) in view of Murphy et al.

(US6314468) (hereinafter Murphy).

16.   Regarding claim 1, Fawcett discloses generating a plurality of metadata fragment

data by partitioning metadata to be transmitted based upon a predetermined semantic

unit (Fawcett: column 4 lines 26-32); selecting a predetermined metadata fragment data

from among the plurality of metadata fragment data (Fawcett: column 4 lines 26-32);

generating metadata-related information using the selected metadata fragment data

(Fawcett: column 4 lines 33-35); and transmitting a container including the selected

metadata fragment data and the metadata-related information (Fawcett: see figure 3;

and column 4 lines 5-11). Fawcett does not disclose a container comprises a header

including data format information indicating a data format type of the selected metadata

fragment data resided in the container. However, Murphy discloses a container

comprises a header including data format information indicating a data format type of

the selected metadata fragment data (Murphy: column 5 lines 13-14 and column 5 lines

54-62: a header comprises object identifiers. The object identifiers are used in

message transmission to identify a type of message being transmitted, encryption

techniques used for encrypting the transmitted message, and hash algorithms used for

message digests). Therefore, it would have been obvious to a person skilled in the art

at the time the invention was made to have included in Fawcett the feature of Murphy as

discussed above for managing secure transmission of electronic data in EDI format

between network entities over dedicated circuits or WANs (Murphy: column 4 lines 55-

58).

17.   Regarding claim 2, Fawcett as modified discloses wherein the selected metadata

fragment data, the metadata-related information, and the data format information of the

selected metadata fragment data are transmitted in a metadata container (Fawcett:

column 4 lines 8-11).

18.   Regarding claim 5, Fawcett as modified discloses wherein a metadata
authentication level flag specifying a metadata authentication level is further contained
in the metadata container (Fawcett: column 4 lines 8-11).

19.   Regarding claim 11, Fawcett as modified discloses wherein the plurality of
metadata fragment data and corresponding metadata-related information are inserted
into the metadata container, and each metadata fragment data and the corresponding
metadata-related information are connected to each other by pointer information
(Fawcet: see figure 2).

20.   Regarding claim 44, Fawcett discloses a method of managing metadata in a
metadata transmission server, the method comprising: generating, using a processor, a
plurality of metadata fragment data by partitioning metadata to be transmitted based
upon a predetermined semantic unit having a predetermined meaning (Fawcett: column
4 lines 26-32); selecting a predetermined metadata fragment data from among the
plurality of metadata fragment data (Fawcett: column 4 lines 26-32); generating
metadata digest information by substituting the selected metadata fragment data into a
unidirectional function (Fawcett: column 4 lines 33-35); and transmitting a container
including the selected metadata fragment data and the metadata digest information
(Fawcett: see figure 3; and column 4 lines 5-11). Fawcett does not disclose a container
comprises a header including data format information indicating a data format type of

the selected metadata fragment data. However, Murphy discloses a container

comprises a header including data format information indicating a data format type of

the selected metadata fragment data (Murphy: column 5 lines 13-14 and column 5 lines

54-62: a header comprises object identifiers. The object identifiers are used in

message transmission to identify a type of message being transmitted, encryption

techniques used for encrypting the transmitted message, and hash algorithms used for

message digests). Therefore, it would have been obvious to a person skilled in the art

at the time the invention was made to have included in Fawcett the feature of Murphy as

discussed above for managing secure transmission of electronic data in EDI format

between network entities over dedicated circuits or WANs (Murphy: column 4 lines 55-

58).

21.   Regarding claim 45, Fawcett discloses a method of managing metadata in a

metadata transmission server, comprising: generating, using a processor, a plurality of

metadata fragment data by partitioning metadata to be transmitted based upon a

predetermined semantic unit having a predetermined meaning (Fawcett: column 4 lines

26-32); selecting a predetermined metadata fragment data from among the plurality of

metadata fragment data (Fawcett: column 4 lines 26-32); generating metadata

container-level authentication message digest information by substituting the selected

metadata fragment data into a unidirectional function (Fawcett: see Abstract section and

column 4 lines 9-11); and transmitting a metadata container-level authentication

container including the selected metadata fragment data and the metadata container-

level authentication message digest information (Fawcett: see figure 3; and column 4

lines 5-11), wherein the data format information is used to determine whether the

generated metadata digest information is valid (Fawcet: column 4 lines 45-64). Fawcett

does not disclose a container comprises a header including data format information

indicating a data format type of the selected metadata fragment data. However, Murphy

discloses a container comprises a header including data format information indicating a

data format type of the selected metadata fragment data (Murphy: column 5 lines 13-14

and column 5 lines 54-62: a header comprises object identifiers. The object identifiers

are used in message transmission to identify a type of message being transmitted,

encryption techniques used for encrypting the transmitted message, and hash

algorithms used for message digests). Therefore, it would have been obvious to a

person skilled in the art at the time the invention was made to have included in Fawcett

the feature of Murphy as discussed above for managing secure transmission of

electronic data in EDI format between network entities over dedicated circuits or WANs

(Murphy: column 4 lines 55-58).

22.   Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fawcett

in view of Murphy, and further in view of Erickson et al. (Us 20030081791) (hereinafter

Erickson).

23.   Regarding claim 3, Fawcett in view of Murphy does not disclose wherein the data

format information indicates whether the selected metadata fragment data has a binary

XML format or a text XML format, and each container includes metadata fragment data having only one of a binary XML format and a text XML format. However, Erickson discloses wherein the data format information indicates whether the selected metadata fragment data has a binary XML format or a text XML format, and each container includes metadata fragment data having only one of a binary XML format and a text XML format (Erickson: paragraph 0029: whether the "content type" of the message is "text/xml"). Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to have included in Fawcett in view Murphy the feature of Erickson as discussed above in order to provide a message structure and a manner for handling such a message structure which enables each individual interaction between a consumer of web services and the provider thereof to stand alone (Erickson: paragraph 0007).

24.　　　Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fawcett in view of Murphy, and further in view of Davis et al. (US 20020001395) (hereinafter Davis).

25.　　　Regarding claim 6, Fawcett in view of Murphy does not disclose wherein the metadata-related information is metadata digest information obtained by substituting the selected metadata fragment data into a unidirectional function. However, Davis discloses wherein the metadata-related information is metadata digest information obtained by substituting the selected metadata fragment data into a unidirectional

function (Davis: paragraphs 0184 and 0192). Therefore, it would have been obvious to

a person skilled in the art at the time the invention was made to have included in

Fawcett in view of Murphy the feature of Davis as discussed above to solve the problem

of maintaining the association between various types of processing on the media signal

or its metadata (Davis: paragraph 0003).

26.   Regarding claim 7, Fawcett as modified discloses wherein the unidirectional

function is a hash function (Davis: paragraph 0205).

27.   Claims 8-10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Fawcett in view of Murphy, and further in view of Buch et al. (Us 20030217165)

(hereinafter Buch)

28.   Regarding claim 8, Fawcett in view of Murphy does not disclose generating

metadata authentication signature information using the metadata-related information

and a first encryption key; and inserting the metadata authentication signature

information in the metadata container containing the selected metadata fragment data.

However, Buch discloses generating metadata authentication signature information

using the metadata-related information and a first encryption key (Buch: paragraphs

0027-0028); and inserting the metadata authentication signature information in the

metadata container containing the selected metadata fragment data (Buch: paragraphs

0027-0028). Therefore, it would have been obvious to a person skilled in the art at the

time the invention was made to have included in Fawcett in view of Murphy the feature

of Buch as discussed above because the digital signature authenticates the sender and

at the same time confirms the integrity of the message. (Buch: paragraph 0005).

29.   Regarding claim 9, Fawcett as modified discloses wherein the metadata

authentication signature information is obtained by substituting the metadata-related

information and the first encryption key into a unidirectional function (Fawcett:

paragraph 0027).

30.   Regarding claim 10, Fawcett as modified discloses encrypting the first encryption

key using a second encryption key; and inserting the encrypted first encryption key into

the metadata container containing the selected metadata fragment data (Fawcett:

paragraph 0027: encrypt the session key with a public key of the intended recipient).

31.   Regarding claim 12, Fawcett as modified discloses wherein the plurality of

metadata fragment data and corresponding metadata-related information and metadata

authentication signature information are inserted into the metadata container, and each

metadata fragment data and the corresponding metadata-related information and

metadata authentication signature information are connected to one another by pointer

(Fawcett: see figure 2).

Conclusion

32.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to TRANG DOAN whose telephone number is (571)272-

0740. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, William R. Korzuch can be reached on (571) 272-7589. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Trang Doan/
Examiner, Art Unit 2431

/William R. Korzuch/
Supervisory Patent Examiner, Art Unit 2431